

## **IC 12-14-11**

### **Chapter 11. Home Energy Assistance Programs**

#### **IC 12-14-11-1**

##### **"Eligible household" defined**

Sec. 1. As used in this chapter, "eligible household" means a household determined by the division to be eligible in the state plan for the program period.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-1.5**

##### **"Eligible individual" defined**

Sec. 1.5. As used in this chapter, "eligible individual" means:

- (1) a person who was systematically persecuted for racial or religious reasons by Nazi Germany or any other Axis regime; or
- (2) an heir of a person described in subdivision (1).

*As added by P.L.128-1999, SEC.12.*

#### **IC 12-14-11-1.7**

##### **"Holocaust victim's settlement payment" defined**

Sec. 1.7. As used this chapter, "Holocaust victim's settlement payment" means a payment received:

- (1) as a result of the settlement of the action entitled "In re Holocaust Victims' Asset Litigation", (E.D. NY) C.A. No. 96-4849;
- (2) under the German Act Regulating Unresolved Property Claims;
- (3) under any other foreign law providing payments for Holocaust claims; or
- (4) as a result of the settlement of any other Holocaust claim, including:
  - (A) insurance claims;
  - (B) claims relating to looted art;
  - (C) claims relating to looted financial assets; or
  - (D) claims relating to slave labor wages.

*As added by P.L.128-1999, SEC.13.*

#### **IC 12-14-11-2**

##### **"Home energy" defined**

Sec. 2. As used in this chapter, "home energy" means electricity, oil, gas, coal, propane, or any other fuel for use as the principal source of heating or cooling in residential dwellings.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-3**

##### **"Home energy supplier" defined**

Sec. 3. As used in this chapter, "home energy supplier" means a person, including a trustee or receiver appointed by a court, engaged in furnishing or selling of home energy in Indiana.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-4**

##### **Purpose of programs**

Sec. 4. The home energy assistance programs are to provide assistance, including emergency assistance, to low income households in Indiana to:

- (1) defray home energy costs; and
- (2) provide assistance to low income households;

for home energy conservation measures.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-5**

##### **Administration of state appropriations and federal funds; establishment of eligibility criteria**

Sec. 5. The division shall do the following:

- (1) Administer an appropriation made for the purposes specified in section 4 of this chapter.
- (2) Receive and administer money that may be available to the state for energy and conservation assistance from the federal government.
- (3) Establish criteria to determine eligibility for assistance under this chapter.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-6**

##### **Determination by division of amount of assistance**

Sec. 6. The division may determine the amount of assistance that an eligible household may receive.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-7**

##### **Determining amount of assistance; factors considered**

Sec. 7. (a) The criteria for determining the amount of assistance may include the following:

- (1) The age of an applicant for assistance.
- (2) Whether the applicant is employed.
- (3) Household income during the past one hundred eighty (180) days.
- (4) Household size.
- (5) Type of fuel used for primary heating or cooling.
- (6) The need for assistance.
- (7) Residency.
- (8) The age and energy efficiency of the applicant's dwelling and heating plant.

(b) Unless prohibited by federal law, the criteria for determining the amount of assistance must include a consideration of an applicant's housing status. The division shall give weight to an applicant's housing status in the following order, from greatest weight to least weight:

- (1) An applicant who resides in nonsubsidized housing.
- (2) An applicant who resides in subsidized housing in which home energy costs are not included in the rent.
- (3) An applicant who resides in subsidized housing in which home energy costs are included in the rent.
- (c) The division shall annually:
  - (1) review the formula used by the division to determine the amount of assistance awarded under this chapter; and
  - (2) prepare a report that includes:
    - (A) the following information for the most recent federal fiscal year:
      - (i) The number of applicants for assistance under this chapter.
      - (ii) The number of assistance awards made under this chapter.
      - (iii) The average amount of assistance awarded under this chapter for all recipients and by category of housing status; and
    - (B) a statement of:
      - (i) the formula that the division is currently using to determine the amount of assistance under this chapter; and
      - (ii) the division's intention regarding any change in the formula described in item (i).
- (d) The division shall file the report required under subsection (c)(2) in an electronic format under IC 5-14-6 with the legislative council before April 1 each year.

*As added by P.L.2-1992, SEC.8. Amended by P.L.159-1999, SEC.20; P.L.28-2004, SEC.102.*

#### **IC 12-14-11-8**

##### **State or federal higher education award; reported resources and income; eligibility for assistance**

Sec. 8. Except as provided by federal law, if an individual receives a state or federal higher education award that is paid directly to an approved institution of higher learning (as defined in IC 20-12-21-3) for that individual's benefit:

- (1) the individual is not required to report the award as income or as a resource of the individual when applying for assistance under this chapter; and
- (2) the award may not be considered as income or a resource of the individual in determining initial or continuing eligibility for assistance under this chapter.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-8.5**

##### **Holocaust victim's settlement payment not considered income**

Sec. 8.5. Except as provided by federal law, if an eligible individual receives a Holocaust victim's settlement payment:

- (1) the individual is not required to report the payment as income or as a resource of the individual when applying for

- assistance under this chapter; and
- (2) the payment may not be considered as income or a resource of the individual in determining initial or continuing eligibility for assistance under this chapter.

*As added by P.L.128-1999, SEC.14.*

#### **IC 12-14-11-9**

##### **Dissemination of information, preparation of assistance applications, and eligibility determinations; requiring performance by home energy suppliers or state or local agencies; contracts with public or private agencies**

Sec. 9. The division may require a home energy supplier or an agency of state or local government or may contract with another public or private agency to do the following:

- (1) Disseminate information about the program.
- (2) Receive or aid in the preparation of applications for assistance.
- (3) Assist in determining eligibility for assistance.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-10**

##### **Applications; standardized forms; procedures**

Sec. 10. An application must be made on standardized forms provided by the division and in accordance with procedures established by the division.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-11**

##### **Procedures for providing assistance to eligible households**

Sec. 11. The division shall establish procedures for providing assistance to eligible households. Procedures may include the following:

- (1) Direct payments by cash or check to eligible households.
- (2) Direct vendor payments.
- (3) Lines of credit to home energy suppliers.
- (4) The use of coupons and vouchers redeemable by the state.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-12**

##### **Form of payment for cost of home energy consumed by eligible households; duty of home energy suppliers and residential housing operators to accept**

Sec. 12. The division may require the following:

- (1) A home energy supplier to accept vendor payments, lines of credit, or coupons and vouchers as full or partial payment for the cost of home energy consumed by eligible households.
- (2) An operator of residential housing units to accept vendor payments or coupons and vouchers as full or partial payment of rent by eligible households making undesignated payments for home energy costs in the form of rent payments.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-13**

##### **Assistance denials; hearings and appeals**

Sec. 13. The division shall establish procedures for the conduct of hearings and appeals upon request from applicants who have been denied assistance.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-14**

##### **Transfer or assignment of assistance**

Sec. 14. A recipient may not transfer or assign assistance under this chapter except as allowed by the division.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-15**

##### **Recovery of assistance from recipient**

Sec. 15. The division may recover from a recipient the amount of assistance that the recipient is found to be not entitled to receive.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-16**

##### **Fraudulently obtaining excessive assistance; penalty**

Sec. 16. If a recipient obtained excessive assistance fraudulently, the recipient shall pay a penalty equal to twenty percent (20%) of the excessive assistance.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-17**

##### **Right to recover claim against recipient or estate; preferred claim against estate**

Sec. 17. A claim under this chapter may be recovered from the recipient or the recipient's estate by civil action and is a preferred claim against the estate of a recipient under IC 29-1-14-9(6).

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-18**

##### **Improper use of name of applicant or of information contained in application; classification of violation**

Sec. 18. A:

- (1) home energy supplier;
- (2) landlord; or
- (3) building operator;

that uses the name of an applicant or recipient or information contained in applications made under this chapter for any purpose other than as specified by the division commits a Class B misdemeanor.

*As added by P.L.2-1992, SEC.8.*

#### **IC 12-14-11-19**

**Implementation of chapter**

Sec. 19. The division may take actions necessary to implement this chapter, including the establishment of conditions regulating service termination to eligible households that the division determines to be appropriate and necessary to assure the availability of federal financial assistance.

*As added by P.L.2-1992, SEC.8.*